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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/622,180      | 07/16/2003  | Kenneth L. Levy      | P0855               | 2246             |

23735 7590 11/01/2006

DIGIMARC CORPORATION  
9405 SW GEMINI DRIVE  
BEAVERTON, OR 97008

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| EXAMINER |
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OLATUNJI, OLATUNDE O

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| ART UNIT | PAPER NUMBER |
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2135

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/622,180

Applicant(s)

LEVY, KENNETH L.

Examiner

Olatunde Olatunji

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/16/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

### DETAILED ACTION

Claim(s) 1-48 have been presented for examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17, 39-42, 45-48 are rejected under 35 U.S.C. 102(b) as being unpatentable by Shear et al. U.S. PG Pub. 2001/0042043.

With respect to claim 1, Shear reference teaches determining whether the media content is designated as copy once (see page 2-3, ¶ [0030], "one-generation copy"; page 17, ¶ [0251]; "copy once");

if the media content is designated as copy once, obtaining an identifier for the media content (see page 17, ¶ [0251]; "identifier");

querying a data repository to determine if the identifier is stored therein (see page 17, ¶ [0251]; "query control to determine whether copying is allowed")

if the identifier is found in the data repository, modifying or disabling a copy function (see page 18, ¶ [0254] ); and

if the identifier is not found in the data repository, adding the identifier to the data repository (see page 18, ¶ [0254], *"the player 52 can be programmed to place a copy it makes of a digital property such as a film in encrypted form inside a tamper-resistant software container. The sending player 52 may also put its own unique identifier in the same secure container"*).

With respect to claim 2, Shear reference teaches wherein the identifier comprises a content identifier (see page 7, ¶ [0078], "content identifier").

With respect to claim 3, Shear reference teaches wherein the content identifier is conveyed by a digital watermark embedded in the media content (see page 5, ¶ [0062]), and said obtaining step comprises reading the digital watermark to obtain the content identifier (see page 5, ¶ [0062]);

With respect to claim 4, Shear reference teaches wherein the content identifier is obtained from a header associated with the media content (see page 20, ¶ [0284], Fig. 7, element 711).

With respect to claim 5, Shear reference teaches wherein the content identifier is obtained from an encryption system associated with the media content (see page 2-3, ¶ [0030], "encryption method").

With respect to claim 6, Shear reference teaches wherein the content identifier is obtained by determining a fingerprint of the media content (see page 5, ¶ [0062], "fingerprints").

With respect to claim 7, Shear reference teaches wherein the media content is stored on physical media (see page 1, ¶ [0003], "DVDs"), and the identifier comprises a physical media identifier (see page 4, ¶ [0054]).

With respect to claim 8, Shear reference teaches wherein the physical media comprises a DVD (see page 1, ¶ [0003], "DVDs"), and the physical media identifier comprises a unique serial number corresponding to the DVD (see page 5, ¶ [0056], "unique identifier").

With respect to claim 9, Shear reference teaches further comprising allowing copying of the media content when the identifier is not found in the data repository (see page 17, ¶ [0251]).

With respect to claim 10, Shear reference teaches wherein the media content comprises a digital watermark embedded therein (see page 18, ¶ [0255]), the digital watermark indicating that the media content is designated as copy once (see page 11, ¶ [0168], "copied only once"), and wherein said determining step comprises reading the digital watermark (see page 11, ¶ [0168], "copied only once").

With respect to claim 11, Shear reference teaches wherein the media content comprises metadata associated therewith (see page 9, ¶ [0128], "metadata"), the metadata indicating that the media content is designated as copy once (see page 9, ¶ [0129]; page 11, ¶ [0168], "copied only once"), and wherein said determining step comprises analyzing the metadata (see page 11, ¶ [0168]).

With respect to claim 12, Shear reference teaches wherein the metadata is stored in a file header (see page 20, ¶ [0284]; Fig. 7, element 711).

With respect to claim 13, Shear reference teaches wherein the media content is associated with an encryption system (see page 8, ¶ [0083], "encryption techniques"), the encryption system indicating that the media content is designated as copy once (see page 11, ¶ [0168], "copied only once"), and wherein said determining step comprises communicating with the encryption system (see page 11, ¶ [0168]).

With respect to claim 14, Shear reference teaches a recording device performing the method of claim 1 (see fig. 1A, element 52; page 17, ¶ [0251]).

With respect to claim 15, Shear reference teaches wherein the data repository is co-located with the recording device (see Fig. 1A, element 100, "when the disk is inside the player").

With respect to claim 16, Shear reference teaches wherein the data repository is remotely located from the recording device (see Fig. 1A, element 100, "when the disk is outside the player").

With respect to claim 17, Shear reference teaches a recording device that is operable to copy media content, said device comprising:

- a data repository (see abstract, "DVDs");

- electronic processing circuitry (see abstract, "disk player");

- a system communications bus to facilitate communication between the data repository and the electronic processing circuitry, said electronic processing circuitry executing steps of:

- determining whether media content is designated as copy once (see page 2-3, ¶ [0030], "one-generation copy"; page 17, ¶ [0251]; "copy once");

if the media content is designated as copy once, obtaining an identifier for the media content (see page 17, ¶ [0251]; “identifier”);

querying a data repository to determine if the identifier is stored therein (see page 17, ¶ [0251]; “query control to determine whether copying is allowed”)

if the identifier is found in the data repository, modifying or disabling a copy function (see page 18, ¶ [0254] ); and

if the identifier is not found in the data repository, adding the identifier to the data repository (see page 18, ¶ [0254], *“the player 52 can be programmed to place a copy it makes of a digital property such as a film in encrypted form inside a tamper-resistant software container. The sending player 52 may also put its own unique identifier in the same secure container”*).

With respect to claim 39, Shear reference teaches a method of providing copy control for protected media content comprising:

selectively determining (see page 2, ¶ [0029]) which out of a plurality of copy control systems (see page 3, [0030], “control codes”; page 18, [0270], “right management rules”) applies to the protected media content (see page 3, ¶ [0034], “selection of control information”; page 2, ¶ [0030], DVD content); and

controlling the protected media content (see page 2, ¶ [0030], DVD content) according to the determined copy control system (see page 3, [0030], “control codes”; page 18, [0270], “right management rules”).

With respect to claim 40, Shear reference teaches wherein said protected media content (see page 5, ¶ [0062], “VHS tape”) comprises a digital watermark (see page 5, ¶

[0062], watermarks) embedded therein according to a key (see page 5, ¶ [0062], control codes), and wherein said selectively determining step determines which out of a plurality of copy control systems (see page 3, [0030], "control codes"; page 18, [0270], "right management rules") applies to the protected media content (see page 5, ¶ [0062], "VHS tape") based on the key (see page 5, ¶ [0062], control codes).

With respect to claim 41, Shear reference teaches wherein the key (see page 5, ¶ [0062], control codes) further designates a copy control state (see page 3, ¶ [0030], "control codes"; page 18, ¶ [0270], "right management rules").

With respect to claim 42, Shear reference teaches wherein the copy control state (see page 3, ¶ [0030], "control codes"; page 18, ¶ [0270], "right management rules") comprises at least one of copy never (see page 3, ¶ [0030], "no copies"; page 18, ¶ [0270], "no copy"), copy once (see page 3, ¶ [0030], "one-generation copy"; page 18, ¶ [0270], "one copy"), copy freely (see page 3, ¶ [0030], "unlimited copying" page 18, ¶ [0270], "many copies") and copy no more (see page 3, ¶ [0030], "no copies"; page 18, ¶ [0270], "no copy").

With respect to claim 45, Shear reference teaches wherein the protected media content comprises a digital watermark embedded (see page 5, ¶ [0062], watermark) therein, the digital watermark comprising a multi-bit payload (see page 9, ¶ [0113]; *digital watermarking is a technique which allows an individual to add hidden copyright notices or other verification messages to digital audio, video, or image signals and documents. Such hidden message is a group of bits describing information pertaining to the signal or to the author of the signal*), and wherein said selectively determining step



determines which out of a plurality of copy control systems (see page 3, [0030], "control codes"; page 18, [0270], "right management rules") applies to the protected media content based on at least one bit of the multi-bit payload.

With respect to claim 46, Shear reference teaches wherein each of the plurality of copy control systems (see page 3, [0030], "control codes"; page 18, [0270], "right management rules") is associated with a unique sequence of bits (see page 15, ¶ [0218]).

With respect to claim 47, Shear reference teaches wherein the plurality of copy control systems (see page 3, ¶ [0030], "control codes"; page 18, ¶ [0270], "right management rules") comprises at least one of a DVD system (see page 1, ¶ [0003], "DVDs") and a conditional access TV system (see page 4, ¶ [0049], "digital movies over satellite and cable systems"; page 4, ¶ [0054], "DigiBox" page 16, ¶ [0221], "digital televisions").

With respect to claim 48, Shear reference teaches a method of providing copy control for protected media content (see abstract; "digital property content"), the protected media content comprising a digital watermark embedded (see page 19 & 20, ¶ [0282]) therein according to a key (see page 5, ¶ [0062], control codes), said digital watermark comprising a payload (see page 9, ¶ [0113]; *digital watermarking is a technique which allows an individual to add hidden copyright notices or other verification messages to digital audio, video, or image signals and documents. Such hidden message is a group of bits describing information pertaining to the signal or to the author of the signal*), said method comprising: determining which out of a plurality of

copy control states (see page 3, ¶ [0030], "control codes"; page 18, ¶ [0270], "right management rules") should govern the protected media content (see page 2, ¶ [0030], protecting DVD content) by reference to the watermark key (see page 5, ¶ [0062], control codes); determining which out of a plurality of copy control systems (see page 3, [0030], "control codes"; page 18, [0270], "right management rules") the content should be handled by reference to the watermark payload (see page 9, ¶ [0113]; *digital watermarking is a technique which allows an individual to add hidden copyright notices or other verification messages to digital audio, video, or image signals and documents. Such hidden message is a group of bits describing information pertaining to the signal or to the author of the signal*); and providing copy control according to the determined copy control state through the determined copy control system (see page 3, [0030], "control codes"; page 18, [0270], "right management rules").

Claims 18-32 are rejected under 35 U.S.C. 102(e) as being unpatentable by Hoffberg, U.S. Patent 6,850,252.

With respect to claim 18, Hoffberg reference teaches a method of providing copy protection for protected media content on a computer system, the computer system comprising an output port (see abstract, "output port") and an associated output buffer (see abstract, "output port"; hardware register is a storage area for hardware input/output), and an input port (see abstract, "input port") and an associated input buffer (see abstract, "input port"; hardware register is a storage area for hardware input/output), said method comprising:

analyzing first media content buffered in the output buffer (see abstract, col. 113, lines 30-34, the interface system may analyze stored data);

analyzing second media content buffered in the input buffer (see abstract, col. 113, lines 30-34, the interface system may analyze data present in a data stream); and

comparing the first media content buffered in the output buffer with the second media content buffered in the input buffer (see col. 113, lines 30-34 & 54-58, Hoffberg reference states it system includes a database of image objects(first media) for comparison to an image to be analyzed(second media)), wherein a copy operation is modified or disabled (see col. 121, lines 14-30) when the first media content and the second media content match or otherwise coincide (see col. 113, lines 53-64; "A degree of relatedness").

With respect to claim 19, Hoffberg reference teaches wherein the computer system comprises a single computer system (see abstract, "an intelligent electronic appliance").

With respect to claim 20 and 23, Hoffberg reference teaches wherein the output buffer comprises a matrix of output buffers, and the input buffer comprises a matrix of input buffers (see col. 220, lines 9-12, "computer networking"; a computer network contains multiple computers which has multiple I/O port, which would contain multiple hardware registers).

With respect to claim 21 and 24, Hoffberg reference teaches wherein said comparing step compares at least active output buffers with active input buffers (see

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abstract, "input and/or output port"; a hardware register is a storage area for hardware input/output).

With respect to claim 22, Hoffberg reference teaches wherein the computer system comprises at least two networked computers (see col. 220, lines 9-12, "computer networking"), with a first computer comprising the output port (see abstract, "input and/or output port") and a second computer comprising the input port (see abstract, "input and/or output port").

With respect to claim 25, Hoffberg reference teaches wherein the first media content (see col. 135, lines 20-22) comprises a first identifier (see col. 135, line 47- col. 136, line 22, "identifiers") embedded therein in the form of a digital watermark (see col. 216, lines 50-53) and the second media content (see col. 135, lines 28-30) comprises a second identifier (see col. 135, line 47- col. 136, line 22, "identifiers") embedded therein in the form of a digital watermark (see col. 216, lines 50-53), and wherein said step of analyzing first media content buffered in the output buffer (see abstract, "input and/or output port"; a hardware register is a storage area for hardware input/output) comprises obtaining the first identifier from its watermark (see col. 221, lines 25-39), said step of analyzing second media content buffered in the input buffer (see abstract, "input and/or output port"; a hardware register is a storage area for hardware input/output) comprises obtaining the second identifier from its watermark (see col. 221, lines 25-39), and said step of comparing the first media content buffered in the output buffer and the second media content buffered in the input buffer (see col. 113, lines 30-34 & 54-58) comprises

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comparing at least a portion of the first identifier with at least a portion of the second identifier (see col. 135, lines 22-30 & lines 64-65).

With respect to claim 26, Hoffberg reference teaches wherein the copy operation is modified or disabled (see col. 121 lines 14-30) when the portion of the first identifier and the portion of the second identifier match or otherwise coincide (see col. 113, lines 53-64; "A degree of relatedness"; col. 135, lines 22-30 & lines 64-65).

With respect to claim 27, Hoffberg reference teaches wherein the first media content comprises a first identifier (see col. 135, line 47- col. 136, line 22) embedded in the form of a digital watermark (see col. 216, lines 50-53), and wherein said step of analyzing first media content buffered in the output buffer (see abstract, "input and/or output port"; a hardware register is a storage area for hardware input/output) comprises obtaining the first identifier from its watermark (see col. 221, lines 25-39), and said step of analyzing second media content buffered in the input buffer (see abstract, "input and/or output port"; a hardware register is a storage area for hardware input/output) comprises obtaining a plurality of identifiers (see col. 135, lines 22-30; computer network) embedded as digital watermarks in the second media (see col. 221, lines 25-39) over a time period (see col. 112, lines 55-58; col. 119, lines 2-15), and said step of comparing the first media content buffered in the output buffer and the second media content buffered in the input buffer (see col. 113, lines 30-34 & 54-58) comprises comparing at least a portion of the first identifier with at least portions of the plurality of identifiers (see col. 135, lines 22-30 & lines 64-65).

With respect to claim 28, Hoffberg reference teaches wherein the copy operation is modified or disables (see col. 121 lines 14-30) when the portion of the first identifier and the portions of the plurality of identifiers match or otherwise coincide (see col. 113, lines 53-64; "A degree of relatedness"; col. 135, lines 22-30 & lines 64-65).

With respect to claim 32, Hoffberg reference teaches further comprising determining that the media content is protected via reference to at least one of a digital watermark (see col. 216, lines 50-53), header, metadata (see abstract; col. 131, line 61-col. 132, line 6) and encryption system (see col. 118, lines 54-57; col. 161, lines 24-33).

With respect to claim 33, Hoffberg reference teaches a method of providing copy protection for protected media content on a computer system, the computer system comprising an output port (see abstract, "output port") and an associated output buffer (see abstract, "output port"; hardware register is a storage area for hardware input/output), and an input port (see abstract, "input port") and an associated input buffer (see abstract, "input port"; hardware register is a storage area for hardware input/output), said method comprising:

obtaining first media content buffered in the output buffer (see abstract, col. 113, lines 30-34, the interface system may analyze stored data);

obtaining second media content buffered in the input buffer (see abstract, col. 113, lines 30-34, the interface system may analyze data present in a data stream); and

comparing the first media content buffered in the output buffer and the second media content buffered in the input buffer (see col. 113, lines 30-34 & 54-58, Hoffberg

reference states it system includes a database of image objects(first media) for comparison to an image to be analyzed(second media)) through correlation of the first media content with the second media content (see col. 172, lines 23-30), wherein a copy operation is modified or disabled (see col. 121 lines 14-30) when the correlation of the first media content and the second media content (see col. 172, lines 23-30) indicates that the first media content and the second media content match or otherwise coincide (see col. 113, lines 53-64; "A degree of relatedness").

With respect to claim 34, Hoffberg reference teaches wherein the correlation makes use of a transform domain (see Fig. 22, element 2205; Fig. 28, "Transform Domain"; col. 141, lines 24-63; col. 183, lines 25-27).

With respect to claim 35, Hoffberg reference teaches wherein the transform domain comprises a Fourier domain (see col. 132, lines 14-18; "Fourier transformation").

With respect to claim 36, Hoffberg reference teaches wherein the first media content and the second media content each comprise audio (see abstract, "media content, for example audio").

With respect to claim 37, Hoffberg reference teaches further comprising compensating for a time delay associated with the second media content relative to the first media content (see col. 112, lines 55-58; col. 119, lines 2-15).

With respect to claim 38, Hoffberg reference teaches further comprising compensating for a time delay associated with the second media content relative to the first media content (see col. 112, lines 55-58; col. 119, lines 2-15).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shear et al. U.S. PG Pub. 2001/0042043 in view of Epstein U.S. PG Pub. 2003/0159043.

With respect to claim 43, Shear reference teaches the key (see page 5, ¶ [0062], control codes) indicates at least one of an embedding protocol (see page 5, ¶ [0062], rights related control), a watermark payload encryption scheme (see page 5, ¶ [0062], watermarks), an embedding characteristic (page 5, ¶ [0062], usage information) but Shear reference doesn't teach wherein the key indicates a pseudo-random sequence that is used to embed the watermark, locations within the media content used for watermark embedding, media content features to be modified to effect embedding and semantic meaning of particular features of the media content. Epstein reference teaches wherein the key indicates a pseudo-random sequence that is used to embed the watermark (see page 1, ¶ [0012]), locations within the media content used for watermark embedding (see page 1, ¶ [0012]), media content features to be modified to effect embedding and semantic meaning of particular features of the media content (see page 1, ¶ [0011]). It would have been obvious at the time the invention was made to a



person having ordinary skill in the art to which said subject matter pertains to have modified Shear reference to include the teachings of Epstein to include detail correlation between the key and the watermark for increased protection of copyrighted content.

With respect to claim 44, Shear reference teaches wherein each of the plurality of copy control systems (see page 3, [0030], "control codes"; page 18, [0270], "right management rules"). Shear reference doesn't teach wherein each of the plurality of copy control systems corresponds to at least one unique key. Epstein reference teaches wherein each of the plurality of copy control systems corresponds to at least one unique key (see page 4, ¶ [0045], "unique receiver identifier"). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified Shear reference to include the teachings of Epstein to include the unique receiver identifier for the purpose of determining the copy protection status of received content (see page 4, ¶ [0045]).

Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg, U.S. Patent 6,850,252 in view of Shear et al. U.S. PG Pub. 2001/0042043.

With respect to claim 29, Hoffberg reference teaches analyzing first media content buffered in the output buffer (see abstract, "input and/or output port"; a hardware register is a storage area for hardware input/output), analyzing second media content buffered in the input buffer (see abstract, "input and/or output port"; a hardware register is a storage area for hardware input/output) and comparing the first media

content buffered in the output buffer and the second media content buffered in the input buffer (see col. 113, lines 30-34 & 54-58).

Hoffberg reference doesn't teach determining a first fingerprint of the first media content, determining a second fingerprint of the second media content, and comprises comparing at least a portion of the first fingerprint with at least a portion of the second fingerprint. Shear reference teaches determining a first fingerprint (see page 18, ¶ [0265], "fingerprinting") of the first media content, determining a second fingerprint (see page 18, ¶ [0265], "fingerprinting") of the second media content, and comprises comparing at least a portion of the first fingerprint with at least a portion of the second fingerprint (see page 18, ¶ [0265], "fingerprinting"). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified Hoffberg reference to include the teachings of Shear to have included fingerprinting in the media content for the purpose of providing secure rights management protection (see page 18, ¶ [0264]).

With respect to claim 30, Hoffberg reference teaches wherein the copy operation is modified or disabled (see col. 121 lines 14-30) when the portion of the first and the portion of the second match or otherwise coincide (see col. 113, lines 53-64; "A degree of relatedness"). Hoffberg reference doesn't teach the use of fingerprints. Shear reference teaches the use of fingerprints (see page 19, ¶ [0276], "fingerprinting methods"). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified Hoffberg reference to include the teachings of Shear to have included fingerprinting in

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the media content for the purpose of providing secure rights management protection (see page 18, ¶ [0264]).

With respect to claim 31, Hoffberg reference teaches further comprising compensating for a time delay, associated with the second media content, relative to the first media content (see col. 112, lines 55-58; col. 119, lines 2-15).

### ***Prior Art Made of Record***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and patent applications are cited to further show the state of the art with respect to digital watermarking and fingerprinting applications for copy protection, such as:

United States Patent No. 5,991,878 to McDonough et al., is cited to show controlling access to information in a distributed computing system.

United States Patent No. 7,110,984 to Spagna et al., is cited to show the field of electronic commerce and more particularly to a system and related tools for the secure delivery and rights management of digital assets, such as print media, films, games, and music over computer readable medium such as CDS and DVDs and over global communications networks such as the Internet and the World Wide Web.

United States Patent No. 6,490,355 to Epstein is cited to show a method and apparatus for use of a time-dependent watermark for the purpose of copy protection.

United States PG Pub No. 2001/0000541 to Schreiber et al., is cited to show copyright protection of digital data transmitted over networks.

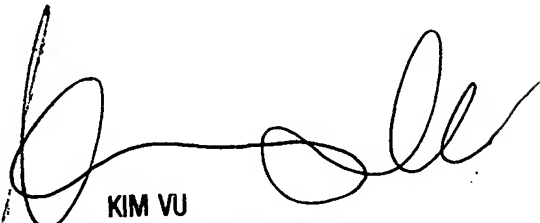
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olatunde Olatunji whose telephone number is (571) 270-1020. The examiner can normally be reached on M-TR 7:30-5pm EST & 2nd Friday 7:30-4pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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